

Senate Judiciary Committee Amendment No. 1, as amended, (by Cohen)

Amendment No. 1 to HB2576

**Buck
Signature of Sponsor**

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| Comm. Amdt. _____ |
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AMEND Senate Bill No. 2539*

House Bill No. 2576

by adding the following new subsection to be designated as (b) to the amendatory language of Section 39-17-434 of SECTION 1 and by relettering the existing subsections accordingly:

(b) In determining whether a particular substance is possessed with the intent required to violate subsections (a)(1) and (2), of this section, the court or other authority making such a determination shall, in addition to all other logically relevant factors, consider the following:

(1) Statements by the owner or anyone in control of the substances concerning its use;

(2) Prior convictions, if any, of the owner or of anyone in control of the substance for violation of any state or federal law relating to the sale or manufacture of controlled substances;

(3) Instructions or descriptive materials of any kind accompanying the substance or found in the owner or controlling person's possession concerning, explaining, or depicting its use;

(4) The manner in which the substance is displayed or offered for sale;

(5) The quantity and location of the substance considered in relation to the existence and scope of legitimate uses for the substances in the community;
and

(6) Expert testimony concerning the substance's use.

AND FURTHER AMEND by deleting the amendatory language of SECTION 1, § 39-17-434(a)(1) and (2) and by substituting instead the following:

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(1) Use such substance in the manufacture of a Schedule I or Schedule II
controlled substance; or

(2) To knowingly convey such substance to another for use in the manufacture of
a Schedule I or Schedule II controlled substance.